IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 899 of 2005 (S/S)

Om Prakash Kotnala
S/o Sri Sureshchandra Kotnala
R/o 55-C Malviya Road Laxman Chowk
Dehradun … Petitioner

Versus

1. State of Uttaranchal
through Secretary Education Department
Dehradun
2. District Inspector of Schools, Dehardun
3. Principal Government Inter College
Patelnagar, District – Dehradun …Respondents

Sri V.B.S. Negi, learned counsel for the petitioner.
Sri Harendra Belwal Brief Holder for the State.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, the petitioner has sought a writ in the nature of certiorari quashing the order dated 30.06.2005 annexure 8 to the writ petition and also a direction in the nature of mandamus directing the respondents not to transfer the petitioner to very remote area.

Brief facts giving rise to this writ petition are that the petitioner was initially appointed as Assistant Teacher C.T. Grade in Government Inter College Sindhikal Pauri Garhwal on 14.12.1998. The petitioner was thereafter promoted to L.T. grade vide order dated 24.08.1995. The petitioner was transferred from Sindhikal to Sakinkhet, District Pauri Garhwal and he worked there from 14.09.1995 to 29.02.1997 as Assistant Teacher.

The petition further reveals that the petitioner is chronic bronchial asthma patient which increased in cold and dirty environment. Therefore, the petitioner requested to the authorities concerned to transfer him to some other place where his decease can be cured. The Joint Director of Education vide order dated 18.02.1997 transferred the petitioner from Sakinkhet to Sailkui, Dehradun where the wife of the petitioner was also working.

On 07.05.2002 and 08.05.2002 the petitioner and one Om Prakash Uniyal who was working as L.T. grade teacher in Government Inter College Patelnagar, Dehradun applied for inter se transfer due to which the petitioner was transferred to Government Inter College Patel Nagar, Dehradun and Sri Om Prakash Uniyal was transferred from Govt. Inter College, Patel Nagar, to Inter college Sailakui.

On 30.06.2005 the petitioner was served with a transfer order transferring him from Govt. Inter College, Patel Nagar to Govt. High School Manthat, Dehradun on the ground that more teachers are working on a particular subject. The petition further reveals that the petitioner is asthma patient and is unable to travel long distance on foot and the petitioner is transferred to a place which falls under category IV which is classified as Very Remote Area and is 5-6 kms. from the road. Hence this writ petition.

Heard learned counsel for the parties and perused the record.

In case, if the averment made by the petitioner is taken into consideration, I come to the conclusion that the respondents may consider the representation of the petitioner in the light of the G.O. dated 17.05.2003 issued by the Zila Shiksha Adhikari, Pauri Garhwal.

The writ petition is accordingly disposed of finally with a direction that the petitioner shall move a fresh representation before the respondent no. 2 and the respondent no. 2 shall decide the representation filed by the petitioner within a period of one 15 days from the date of production of certified copy of this order.

(B.C. Kandpal, J.)

8th July, 2005
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